

UK1
YX 21
-S 21



Northern Ireland (Emergency Provisions) Act 1973

CHAPTER 53



LONDON
HER MAJESTY'S STATIONERY OFFICE
29p net

Northern Ireland (Emergency Provisions) Act 1973

CHAPTER 53

ARRANGEMENT OF SECTIONS

PART I

TRIAL AND PUNISHMENT OF CERTAIN OFFENCES

Section

1. Punishment for murder.
2. Mode of trial on indictment of scheduled offences.
3. Limitation of power to grant bail in case of scheduled offences.
4. Court for trial of scheduled offences.
5. Admissibility of written statements in proceedings relating to scheduled offences.
6. Admissions by persons charged with scheduled offences.
7. Onus of proof in relation to offences of possession.
8. Treatment of young persons convicted of scheduled offences.
9. Remand homes and training schools.

PART II

POWERS OF ARREST, DETENTION, SEARCH AND SEIZURE, ETC.

10. Arrest and detention of terrorists.
11. Constables' general power of arrest and seizure.
12. Powers of arrest of members of Her Majesty's forces.
13. Power to search for munitions.
14. Powers of explosives inspectors.
15. Entry to search for persons unlawfully detained.
16. Power to stop and question.
17. General powers of entry and interference with rights of property and with highways.
18. Supplementary provisions.

PART III

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

19. Proscribed organisations.
20. Unlawful collection, etc., of information.
21. Failure to disperse when required to do so.
22. Riotous and disorderly behaviour, etc.
23. Dressing or behaving in a public place like a member of a proscribed organisation.

PART IV

MISCELLANEOUS AND GENERAL

Section

24. Supplementary regulations for preserving the peace, etc.
25. Provisions as to compensation.
26. Restriction of prosecutions.
27. The scheduled offences.
28. Interpretation.
29. Orders and regulations.
30. Commencement, duration, expiry and revival of provisions of this Act.
31. Short title, repeals, savings and extent.

SCHEDULES:

Schedule 1—Detention of terrorists.

Part I—Commissioners and Appeal Tribunal.

Part II—Interim custody orders and detention orders.

Part III—Appeals.

Part IV—Supplemental.

Schedule 2—Proscribed organisations.

Schedule 3—The Northern Ireland (Emergency Provisions) Regulations 1973.

Schedule 4—The scheduled offences.

Part I—Substantive offences.

Part II—Inchoate and related offences.

Schedule 5—Repeals.

ELIZABETH II



Northern Ireland (Emergency Provisions) Act 1973

1973 CHAPTER 53

An Act to make provision with respect to the following matters in Northern Ireland, that is to say, proceedings for and the punishment of certain offences, the detention of terrorists, the preservation of the peace, the maintenance of order and the detection of crime and to proscribe and make other provision in connection with certain organisations there, and for connected purposes. [25th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

TRIAL AND PUNISHMENT OF CERTAIN OFFENCES

1.—(1) No person shall suffer death for murder and a person convicted of murder shall, subject to section 73(1) of the for murder. Children and Young Persons Act (Northern Ireland) 1968 1968 c. 34 (detention of young persons during pleasure), be sentenced to imprisonment for life. (N.I.).

(2) On sentencing any person convicted of murder to imprisonment for life the court may at the same time declare the period which they recommend to the Minister of Home Affairs for Northern Ireland as the minimum period which in

PART I

1953 c. 18
(N.I.).

their view should elapse before the Minister orders the release of that person on licence under section 23 of the Prison Act (Northern Ireland) 1953.

(3) The Minister of Home Affairs for Northern Ireland shall not release or discharge on licence a person convicted of murder and serving a sentence of imprisonment for life or detained under the said section 73(1), except after consultation with the Lord Chief Justice of Northern Ireland together with the trial judge, if available.

(4) For the purpose of any proceedings on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilty of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder only; and if at the commencement of this Act a person is under a sentence of death for capital murder, the sentence shall have effect as a sentence of imprisonment for life.

1966 c. 20
(N.I.).

(5) In this section "capital murder" means a murder which immediately before the commencement of this Act is a capital murder within the meaning of section 10 of the Criminal Justice Act (Northern Ireland) 1966.

Mode of
trial on
indictment of
scheduled
offences.

2.—(1) A trial on indictment of a scheduled offence shall be conducted by the court without a jury.

(2) The court trying a scheduled offence on indictment under this section shall have all the powers, authorities and jurisdiction which the court would have had if they had been sitting with a jury, including power to determine any question and to make any finding which would, apart from this section, be required to be determined or made by a jury, and references in any enactment to a jury or the verdict or finding of a jury shall be construed accordingly in relation to a trial under this section.

(3) Where an indictment contains a count alleging a scheduled offence and another count alleging an offence which at the time the indictment is presented is not a scheduled offence, the other count shall be disregarded.

(4) Without prejudice to subsection (2) above, where the court trying a scheduled offence on indictment are not satisfied that the accused is guilty of that offence, but are satisfied that he is guilty of some other offence which is not a scheduled offence, but of which a jury could have found him guilty on a trial for the scheduled offence, the court may convict him of that other offence.

(5) Where the court trying a scheduled offence convict the accused of that or some other offence, then, without prejudice to their power apart from this subsection to give a judgment, they shall, at the time of conviction or as soon as practicable thereafter, give a judgement stating the reasons for the conviction.

(6) A person convicted of any offence on a trial under this section without a jury may, notwithstanding anything in section 8 of the Criminal Appeal (Northern Ireland) Act 1968, appeal to the Court of Criminal Appeal under that section—

PART I

1968 c. 21.

- (a) against his conviction, on any ground, without the leave of the Court of Criminal Appeal or a certificate of the judge of the court of trial; and
- (b) against sentence passed on conviction, without such leave, unless the sentence is one fixed by law.

(7) Where a person is so convicted, the time for giving notice of appeal under section 20(1) of the said Act of 1968 shall run from the date of judgement, if later than the date from which it would run under that subsection.

3.—(1) Subject to the provisions of this section, a person to whom this section applies and who is charged with a scheduled offence shall not be admitted to bail except by a judge of the High Court acting in that capacity and, if he is convicted of such an offence, shall not be admitted to bail pending any appeal.

Limitation of power to grant bail in case of scheduled offences.

(2) A judge shall not admit any such person to bail unless he is satisfied that the applicant—

- (a) will comply with the conditions on which he is admitted to bail; and
- (b) will not interfere with any witness; and
- (c) will not commit any offence while he is on bail.

(3) Without prejudice to any other power to impose conditions on admission to bail, a judge may impose such conditions on admitting a person to bail under this section as appear to him to be likely to result in that person's appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.

(4) Nothing in this section shall prejudice any right of appeal against the refusal of a judge of the High Court to grant bail.

(5) This section applies to persons who have attained the age of 14 and are not serving members of any of Her Majesty's regular naval, military or air forces.

4.—(1) A trial on indictment of a scheduled offence shall be held only at the Belfast City Commission or the Belfast Recorder's Court.

Court for trial of scheduled offences.

(2) A magistrates' court who commit a person for trial on indictment for a scheduled offence shall commit him for trial to the Belfast City Commission or to the Belfast Recorder's Court, and section 47 of the Magistrates' Courts Act (Northern Ireland) 1964 (committal to assize or county court) shall have effect accordingly.

1964 c. 21 (N.I.).

PART I

(3) A county court judge may at any time, at the request of the Lord Chief Justice of Northern Ireland, sit and act as a judge at the Belfast City Commission for the trial on indictment of a scheduled offence, or for two or more such trials, and while so sitting and acting shall have all the jurisdiction, powers and privileges of a High Court judge included in the Commission, so far as concerns any such trial, except the power to admit to bail.

(4) A county court judge requested to sit and act as aforesaid for a period of time may, notwithstanding the expiry of that period, attend at the Belfast City Commission for the purpose of continuing to deal with, giving judgment in or dealing with any ancillary matter relating to, any case which may have begun before him when sitting as a judge at the Commission and shall have the same jurisdiction, powers and privileges as under subsection (3) above.

Admissibility of written statements in proceedings relating to scheduled offences.

5. In any criminal proceedings for a scheduled offence a written statement made and signed by any person in the presence of a constable shall be admissible as evidence of any fact stated therein of which direct oral evidence by him would be admissible, if it is shown that—

- (a) the maker of the statement is dead, or is unfit by reason of his bodily condition to attend as a witness or is unfit to attend as a witness, by reason of a mental condition which has arisen since he made the statement; or
- (b) he is outside Northern Ireland and it is not reasonably practicable to secure his attendance; or
- (c) all reasonable steps have been taken to find him, but he cannot be found.

Admissions by persons charged with scheduled offences.

6.—(1) In any criminal proceedings for a scheduled offence a statement made by the accused may be given in evidence by the prosecution in so far as it is relevant to any matter in issue in the proceedings and is not excluded by the court in pursuance of subsection (2) below.

(2) If, in any such proceedings where the prosecution proposes to give in evidence a statement made by the accused, prima facie evidence is adduced that the accused was subjected to torture or to inhuman or degrading treatment in order to induce him to make the statement, the court shall, unless the prosecution satisfies them that the statement was not so obtained, exclude the statement or, if it has been received in evidence, shall either continue the trial disregarding the statement or direct that the trial shall be restarted before a differently constituted court (before whom the statement in question shall be inadmissible).

7.—(1) Where a person is charged with possessing a proscribed article in such circumstances as to constitute an offence to which this section applies and it is proved that at the time of the alleged offence—

PART I
Onus of proof in relation to offences of possession.

- (a) he and that article were both present in any premises ; or
- (b) the article was in premises of which he was the occupier or which he habitually used otherwise than as a member of the public ;

the court may accept the fact proved as sufficient evidence of his possessing (and, if relevant, knowingly possessing) that article at that time unless it is further proved that he did not at that time know of its presence in the premises in question, or if he did know, that he had no control over it.

(2) This section applies to vessels, aircraft and vehicles as it applies to premises.

(3) In this section “ proscribed article ” means an explosive, firearm, ammunition, substance or other thing (being a thing possession of which is an offence under one of the enactments mentioned in subsection (4) below).

(4) This section applies to scheduled offences under the following enactments, that is to say—

The Explosive Substances Act 1883

1883 c. 3.

Section 3, so far as relating to paragraph (b) thereof (possessing explosive with intent to endanger life or cause serious damage to property).

Section 4 (possessing explosive in suspicious circumstances).

The Firearms Act (Northern Ireland) 1969

1969 c. 12
(N.I.).

Section 1 (possessing firearm or ammunition without, or otherwise than as authorised by, a firearm certificate).

Section 4 (possessing machine gun or machine pistol or weapon discharging, or ammunition containing, noxious substance).

Section 14 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property).

Section 15(2) (possessing firearm or imitation firearm at time of committing, or being arrested for, a specified offence).

Section 19(1) to (3) (possession of a firearm or ammunition by a person who has been sentenced to imprisonment, etc.).

Section 19A (possessing firearm or ammunition in suspicious circumstances).

The Protection of the Person and Property Act
(Northern Ireland) 1969

1969 c. 29
(N.I.).

Section 2 (possessing petrol bomb, etc., in suspicious circumstances).

PART I

Treatment of
young persons
convicted of
scheduled
offences.

1968 c. 34
(N.I.).

8.—(1) Section 73(2) of the Children and Young Persons Act (Northern Ireland) 1968 (under which a court may sentence a child or young person convicted on indictment of an offence punishable in the case of an adult with imprisonment for fourteen years or more to detention for a period specified in the sentence) shall have effect in relation to a young person convicted of a scheduled offence committed while this subsection is in force with the substitution of the word “five” for the word “fourteen”.

(2) Subsection (3) of section 74 of that Act (under which the maximum length of the term or the aggregate of the terms for which a person may be committed in custody to a remand home under paragraph (e) of subsection (1) of that section is one month) shall have effect in relation to a young person found guilty of a scheduled offence committed while this subsection is in force with the substitution of the words “six months” for the words “one month”.

Remand
homes and
training
schools.

9.—(1) Neither an order under section 51(1)(a) of the Children and Young Persons Act (Northern Ireland) 1968 (order for committal of a child or young person to a remand home) nor a training school order within the meaning of that Act shall specify the remand home or training school to which the person to whom it relates is to be sent.

(2) After the said section 51(1) there shall be inserted the following subsection:—

“(1A) An order for committal under subsection (1)(a) shall be authority for the detention of the person to whom it relates in any remand home and the remand home in which he is to be detained at any time shall be determined by the Ministry”.

(3) In section 53(2) of the said Act of 1968 (report as to circumstances of child or young person and as to available training schools) for the word “available”, in the second place where it occurs, there shall be substituted the words “the availability of accommodation at”.

(4) After section 85(1) of that Act (training school orders) there shall be inserted the following subsections:—

“(1A) A training school order shall be authority for the detention of the person to whom it relates in any training school and the school in which he is to be detained at any time shall be determined by the Ministry.

(1B) In the selection of a training school to which a child or young person is to be sent, the Ministry shall have regard of his religious persuasion.

PART I

(1C) If the parent, guardian or nearest adult relative of a person in respect of whom a training school order has been made applies to the court for an order under this subsection and proves to the court that the religious persuasion of that person is not as declared under subsection (1)(b) by the training school order, the court shall by order declare the religious persuasion of that person to be that so proved and send a copy of its order to the Ministry; but no such application shall be made with respect to any person later than thirty days after the training school order relating to him was made.

(1D) The court to which an application under subsection (1C) is to be made is—

- (a) if the training school order was made by a juvenile court or other court of summary jurisdiction, a juvenile court acting for the same petty sessions district as that court;
- (b) in any other case, a juvenile court acting for the petty sessions district in which the applicant resides."

(5) After section 132(4) of the said Act of 1968 (power to make rules about remand homes) there shall be inserted the following subsections:—

"(4A) Rules under subsection (4) may also make provision whereby a person in custody in a remand home may be temporarily released or may on the ground of his industry and good conduct be granted such remission as may be prescribed by the rules.

(4B) On the discharge of a person from a remand home in pursuance of remission granted under any such rules, the order for his committal to the remand home shall cease to have effect".

PART II

POWERS OF ARREST, DETENTION, SEARCH
AND SEIZURE, ETC.

10.—(1) Any constable may arrest without warrant any person whom he suspects of being a terrorist.

Arrest and detention of terrorists.

(2) For the purpose of arresting a person under this section a constable may enter and search any premises or other place where that person is or where the constable suspects him of being.

(3) A person arrested under this section shall not be detained in right of the arrest for more than seventy-two hours after his arrest, and section 132 of the Magistrates' Courts Act (Northern

1964 c. 21
(N.I.).

PART II
1968 c. 34
(N.I.).

Ireland) 1964 and section 50(3) of the Children and Young Persons Act (Northern Ireland) 1968 (requirement to bring arrested person before a magistrates' court not later than forty-eight hours after his arrest) shall not apply to any such person.

(4) Where a person is arrested under this section, an officer of the Royal Ulster Constabulary not below the rank of chief inspector may order him to be photographed and to have his finger prints and palm prints taken by a constable, and a constable may use such reasonable force as may be necessary for that purpose.

(5) The provisions of Schedule 1 to this Act shall have effect with respect to the detention of terrorists and persons suspected of being terrorists.

Constables'
general
power of
arrest and
seizure.

11.—(1) Any constable may arrest without warrant any person whom he suspects of committing, having committed or being about to commit a scheduled offence or an offence under this Act which is not a scheduled offence.

(2) For the purposes of arresting a person under this section a constable may enter and search any premises or other place where that person is or where the constable suspects him of being.

(3) A constable may seize anything which he suspects is being, has been or is intended to be used in the commission of a scheduled offence or an offence under this Act which is not a scheduled offence.

Powers of
arrest of
members
of Her
Majesty's
forces.

12.—(1) A member of Her Majesty's forces on duty may arrest without warrant, and detain for not more than four hours, a person whom he suspects of committing, having committed or being about to commit any offence.

(2) A person effecting an arrest under this section complies with any rule of law requiring him to state the ground of arrest if he states that he is effecting the arrest as a member of Her Majesty's forces.

(3) For the purpose of arresting a person under this section a member of Her Majesty's forces may enter and search any premises or other place where that person is or, if that person is suspected of being a terrorist or of having committed an offence involving the use or possession of an explosive, explosive substance or firearm, where that person is suspected of being.

Power to
search for
munitions.

13.—(1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place other than a dwelling-house for the purpose of ascertaining whether there are any munitions unlawfully at that place and may search the place for any munitions with a view to exercising the powers conferred by subsection (4) below.

PART II

(2) Any member of Her Majesty's forces on duty authorised by a commissioned officer of those forces or any constable authorised by an officer of the Royal Ulster Constabulary not below the rank of chief inspector may enter any dwelling-house in which it is suspected that there are unlawfully any munitions and may search it for any munitions with a view to exercising the said powers.

(3) Any member of Her Majesty's forces on duty or any constable may—

- (a) stop any person in any public place and with a view to exercising the said powers search him for the purpose of ascertaining whether he has any munitions unlawfully with him; and
- (b) with a view to exercising the said powers search any person not in a public place whom he suspects of having any munitions unlawfully with him.

(4) A member of Her Majesty's forces or a constable authorised to search any premises or other place or any person under this Act may seize any munitions found in the course of the search unless it appears to the person so authorised that the munitions are being, have been and will be used only for a lawful purpose and may retain and, if necessary, destroy them.

(5) In this section "munitions" means—

- (a) explosives, explosive substances, firearms and ammunition; and
- (b) anything used or capable of being used in the manufacture of any explosive, explosive substance, firearm or ammunition.

14.—(1) An inspector appointed under section 53 of the Explosives Act 1875 may, for the purpose of ascertaining whether there is unlawfully in any premises or other place other than a dwelling-house any explosive or explosive substance, enter that place and search it with a view to exercising the powers conferred by subsection (3) below.

Powers of explosives inspectors. 1875 c. 17.

(2) Any such inspector may stop any person in a public place and search him for the purpose of ascertaining whether he has any explosive or explosive substance unlawfully with him with a view to exercising the said powers.

(3) Any such inspector may seize any explosive or explosive substance found in the course of a search under this section unless it appears to him that it is being, has been and will be used only for a lawful purpose and may retain and, if necessary, destroy it.

PART II

Entry to
search for
persons
unlawfully
detained.

15. Where any person is believed to be unlawfully detained in such circumstances that his life is in danger, any member of Her Majesty's forces on duty or any constable may enter any premises or other place for the purpose of ascertaining whether that person is so detained there, but a dwelling-house may be entered in pursuance of this section by a member of Her Majesty's forces only when authorised to do so by a commissioned officer of those forces and may be so entered by a constable only when authorised to do so by an officer of the Royal Ulster Constabulary not below the rank of chief inspector.

Power to stop
and question.

16.—(1) Any member of Her Majesty's forces on duty or any constable may stop and question any person for the purpose of ascertaining that person's identity and movements and what he knows concerning any recent explosion or any other incident endangering life or concerning any person killed or injured in any such explosion or incident.

(2) Any person who fails to stop when required to do so under this section, or who refuses to answer or fails to answer to the best of his knowledge and ability, any question addressed to him under this section, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

General
powers of
entry and
interference
with rights of
property and
with highways.

17.—(1) Any member of Her Majesty's forces on duty or any constable may enter any premises or other place—

- (a) if he considers it necessary to do so in the course of operations for the preservation of the peace or the maintenance of order ; or
- (b) if authorised to do so by or on behalf of the Secretary of State.

(2) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, if authorised to do so by or on behalf of the Secretary of State—

- (a) take possession of any land or other property ;
- (b) take steps to place buildings or other structures in a state of defence ;
- (c) detain any property or cause it to be destroyed or moved ;
- (d) do any other act interfering with any public right or with any private rights of property, including carrying out any works on any land of which possession has been taken under this subsection.

(3) Any member of Her Majesty's forces on duty, any constable or any person specifically authorised to do so by or on behalf of the Secretary of State may, so far as he considers it

immediately necessary for the preservation of the peace or the maintenance of order, wholly or partly close a highway or divert or otherwise interfere with a highway or the use of a highway, or prohibit or restrict the exercise of any right of way or the use of any waterway.

(4) Any person who, without lawful authority or reasonable excuse (the proof of which lies on him), interferes with works executed, or any apparatus, equipment or any other thing used, in or in connection with the exercise of powers conferred by this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

(5) Any authorisation to exercise any powers under any provision of this section may authorise the exercise of all those powers, or powers of any class or a particular power so specified, either by all persons by whom they are capable of being exercised or by persons of any class or a particular person so specified.

18.—(1) Any power conferred by this Part of this Act—

(a) to enter any premises or other place includes power to enter any vessel, aircraft or vehicle ;

(b) to search any premises or other place includes power to stop and search any vehicle or vessel or any aircraft which is not airborne and search any container ;

Supplementary provisions.

and in this Part of this Act references to any premises or place shall be construed accordingly and references to a dwelling-house shall include references to a vessel or vehicle which is habitually stationary and used as a dwelling.

(2) Any power so conferred to enter any place, vessel, aircraft or vehicle shall be exercisable, if need be, by force.

(3) Any power conferred by virtue of this section to search a vehicle or vessel shall, in the case of a vehicle or vessel which cannot be conveniently or thoroughly searched at the place where it is, include power to take it or cause it to be taken to any place for the purpose of carrying out the search.

(4) Any power conferred by virtue of this section to search any vessel, aircraft, vehicle or container includes power to examine it.

(5) Any power conferred by this Part of this Act to stop any person includes power to stop a vessel or vehicle or an aircraft which is not airborne.

(6) Any person who, when required by virtue of this section to stop a vessel or vehicle or any aircraft which is not airborne, fails to do so shall be liable on summary conviction to imprisonment to a term not exceeding six months or to a fine not exceeding £400, or both.

PART II

(7) A member of Her Majesty's Forces exercising any power conferred by this Part of this Act when he is not in uniform shall, if so requested by any person at or about the time of exercising that power, produce to that person documentary evidence that he is such a member.

1868 c. 37.

(8) The Documentary Evidence Act 1868 shall apply to any authorisation given in writing under this Part of this Act by or on behalf of the Secretary of State as it applies to any order made by him.

PART III

OFFENCES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

Proscribed organisations.

19.—(1) Subject to subsection (7) below, any person who—

- (a) belongs or professes to belong to a proscribed organisation; or
- (b) solicits or invites financial or other support for a proscribed organisation, or knowingly makes or receives any contribution in money or otherwise to the resources of a proscribed organisation,

shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both, and on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or both.

(2) The court by or before whom a person is convicted of an offence under this section may order the forfeiture of any money or other property which at the time of the offence he had in his possession or under his control for the use or benefit of the proscribed organisation.

(3) The organisations specified in Schedule 2 to this Act are proscribed organisations for the purposes of this section; and any organisation which passes under a name mentioned in that Schedule shall be treated as proscribed, whatever relationship (if any) it has to any other organisation of the same name.

(4) The Secretary of State may by order add to Schedule 2 to this Act any organisation that appears to him to be concerned in terrorism or in promoting or encouraging it.

(5) The Secretary of State may also by order remove an organisation from Schedule 2 to this Act.

(6) The possession by a person of a document addressed to him as a member of a proscribed organisation, or relating or purporting to relate to the affairs of a proscribed organisation, or emanating or purporting to emanate from a proscribed organisation or officer of a proscribed organisation, shall be evidence of that person belonging to the organisation at the time when he had the document in his possession.

- (7) A person belonging to a proscribed organisation shall—
- (a) if the organisation is a proscribed organisation by virtue of an order under subsection (4) above; or
 - (b) if this section has ceased to be in force but has been subsequently brought into force by an order under section 30(3) below;

not be guilty of an offence under this section by reason of belonging to the organisation if he has not after the coming into force of the order under subsection (4) above or the coming into force again of this section, as the case may be, taken part in any activities of the organisation.

(8) In section 4 of the Criminal Injuries to Persons (Compensation) Act (Northern Ireland) 1968 (assessment of compensation) and in the Criminal Injuries to Property (Compensation) Act (Northern Ireland) 1971, in their application to an injury or damage caused by an act committed while this section is in force, “unlawful association” includes a proscribed organisation.

20.—(1) No person shall, without lawful authority or reasonable excuse (the proof of which lies on him), collect, record, publish, communicate or attempt to elicit, any information with respect to the police or Her Majesty’s forces which is of such a nature as is likely to be useful to terrorists, or have in his possession any record of or document containing any such information; and if any person contravenes this section, he shall be liable—

Unlawful collection, etc. of information.

- (a) on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both;
- (b) on conviction on indictment to imprisonment for a term not exceeding five years or a fine, or both.

(2) The court by or before whom a person is convicted of an offence under this section may order the forfeiture of any record or document mentioned in subsection (1) above which is found in his possession.

(3) In subsection (1) above the reference to recording information includes a reference to recording it by means of photography or by any other means.

(4) Without prejudice to section 33 of the Interpretation Act 1889 (offences under two or more laws) nothing in this section shall derogate from the operation of the Official Secrets Acts 1911 and 1920.

21.—(1) Where any commissioned officer of Her Majesty’s forces or any officer of the Royal Ulster Constabulary not below the rank of chief inspector is of opinion that any assembly of three or more persons may lead to a breach of the peace or

Failure to disperse when required to do so.

PART III

public disorder or may make undue demands on the police or Her Majesty's forces he, or any member of those forces on duty or any constable may order the persons constituting the assembly to disperse forthwith.

(2) Where an order is given under this section with respect to an assembly, any person who thereafter joins or remains in the assembly or otherwise fails to comply with the order shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

Riotous and
disorderly
behaviour, etc.
1968 c. 28
(N.I.).

22. Section 9(1) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (punishment for riotous, disorderly and indecent behaviour, etc.) shall have effect in relation to an offence committed while this section is in force as if for the words from "on summary conviction" to the end of the subsection there were substituted the words "on summary conviction—

- (a) if his conviction is for riotous behaviour in, or any behaviour whereby a breach of the peace is likely to be occasioned in, a street, road, highway or other public place, to imprisonment for a term not exceeding eighteen months ; and
- (b) in any other case, to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or both."

Dressing or
behaving in a
public place
like a member
of a proscribed
organisation.

23. Any person who in a public place dresses or behaves in such a way as to arouse reasonable apprehension that he is a member of a proscribed organisation shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

PART IV

MISCELLANEOUS AND GENERAL

Supple-
mentary
regulations
for preserving
the peace, etc.

24.—(1) The Secretary of State may by regulations make provision additional to the foregoing provisions of this Act for promoting the preservation of the peace and the maintenance of order.

(2) Any person contravening or failing to comply with the provisions of any regulations under this section or any instrument or directions under any such regulations shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £400, or both.

(3) The regulations contained in Schedule 3 to this Act shall be deemed to have been made under this section and to have been approved in draft by each House of Parliament, and may be varied or revoked accordingly.

25.—(1) Where under this Act any real or personal property is taken, occupied, destroyed or damaged, or any other act is done interfering with private rights of property, compensation shall, subject to the provisions of this section, be payable by the Ministry. Provisions as to compensation.

(2) Any question as to compensation under this section shall, in default of agreement, be referred for determination to the county court or an arbitrator to be appointed by that court, and the procedure for determining any question so referred shall be that prescribed by rules made by the Lord Chief Justice of Northern Ireland after consultation with the Ministry.

(3) Nothing in this section shall be construed as giving to any person by whom an offence has been committed any right to compensation in respect of property taken, occupied, destroyed or damaged or in respect of any other act done in connection with the offence.

26.—(1) A prosecution shall not be instituted in respect of any offence under this Act except by or with the consent of the Director of Public Prosecutions for Northern Ireland. Restriction of prosecutions.

(2) Article 7 of the Prosecution of Offences (Northern Ireland) Order 1972 shall apply in relation to any offence under this Act as if the provision creating that offence were a consent provision within the meaning of that Article. S.I. 1972 538 (N.I. 1).

27.—(1) In this Act “scheduled offence” means an offence specified in Part I of Schedule 4 to this Act, subject, however, to any relevant note contained in that Part. The scheduled offences.

(2) Part II of that Schedule shall have effect with respect to offences related to those specified in Part I of that Schedule.

(3) The Secretary of State may by order amend that Schedule (whether by adding an offence to, or removing an offence from, either Part of that Schedule, or otherwise).

28.—(1) In this Act, except so far as the context otherwise requires— Interpretation.

“constable” includes any member of the Royal Naval, Military or Air Force Police;

PART IV

“dwelling-house” means any building or part of a building used as a dwelling ;

“enactment” includes an enactment of the Parliament of Northern Ireland ;

“explosive” means any article or substance manufactured for the purpose of producing a practical effect by explosion ;

“explosive substance” means any substance for the time being specified in regulations made under section 3 of the Explosives Act (Northern Ireland) 1970 ;

“firearm” includes an air gun or air pistol ;

“imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not ;

“Ministry” means the Ministry of Home Affairs for Northern Ireland ;

“offensive weapon” means any article made or adapted for use for causing injury to or incapacitating a person ;

“proscribed organisation” means an organisation for the time being specified in Schedule 2 to this Act, including an organisation which is to be treated as a proscribed organisation by virtue of section 19(3) above ;

“public place” means a place to which for the time being members of the public have or are permitted to have access, whether on payment or otherwise ;

“scheduled offence” has the meaning ascribed to it by section 27 above ;

“terrorism” means the use of violence for political ends and includes any use of violence for the purpose of putting the public or any section of the public in fear ;

“terrorist” means a person who is or has been concerned in the commission or attempted commission of any act of terrorism or in directing, organising or training persons for the purpose of terrorism ;

“vehicle” includes a hovercraft.

(2) Any reference in this Act, except so far as the context otherwise requires, to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

(3) Any reference in this Act to an enactment of the Parliament of Northern Ireland or to an enactment which that Parliament has power to amend shall be construed as including a reference to any enactment of the Parliament of Northern Ireland passed after this Act and re-enacting the said enactment with or without modifications.

29.—(1) Any power to make orders or regulations conferred by this Act (except the powers to make orders conferred by Schedules 1 and 3 to this Act) shall be exercisable by statutory instrument. PART IV
Orders and regulations.

(2) Any power to make an order under any provision of this Act shall include power to vary or revoke any order under that provision.

(3) No order or regulations under this Act (except an order under either of the said Schedules) shall be made unless either a draft of the order or regulations has been approved by resolution of each House of Parliament or it is declared in the order or regulations that it appears to the Secretary of State that by reason of urgency it is necessary to make the order or regulations without a draft having been so approved.

(4) Orders and regulations under this Act (except an order under either of the said Schedules and except an order or regulations of which a draft has been so approved) shall be laid before Parliament after being made and, if at the end of the period of 40 days (computed in accordance with section 7(1) of the Statutory Instruments Act 1946) after the day on which the Secretary of State made an order or regulations a resolution has not been passed by each House approving the order or regulations in question, the order or regulations shall then cease to have effect (but without prejudice to anything previously done or to the making of a new order or new regulations). 1946 c. 36.

30.—(1) This Act shall come into force at the expiration of the period of two weeks beginning with the day on which it is passed. Commence-
ment,
duration,
expiry and
revival of
provisions
of this Act.

(2) The provisions of this Act, except sections 1, 9 and 25 to 31 and Schedule 5 to this Act, shall remain in force until the expiry of the period of one year beginning with its passing and shall then expire unless continued in force by an order under this section.

(3) The Secretary of State may by order provide—

- (a) that all or any of the said provisions which are for the time being in force (including any in force by virtue of an order under this section) shall continue in force for a period not exceeding one year from the coming into operation of the order ;
- (b) that all or any of the said provisions which are for the time being in force shall cease to be in force ; or
- (c) that all or any of the said provisions which are not for the time being in force shall come into force again and

PART IV

remain in force for a period not exceeding one year from the coming into operation of the order.

(4) The coming into force of any of the following provisions of this Act, that is to say, sections 2, 4, 5, 6 and 7, whether on the commencement of this Act or subsequently, shall not affect any trial on indictment where the indictment has been presented, or any summary trial which has started, before the coming into force of that provision, and any such trial shall be conducted as if the provision had not come into force.

(5) Where before the coming into force of section 4(1) above, whether on the commencement of this Act or subsequently, a person has been committed for trial for a scheduled offence and the indictment has not been presented, then, on the coming into force of that subsection, he shall—

- (a) if he was committed to a court of assize other than the Belfast City Commission, be treated as having been committed to the Commission; and
- (b) if he was committed to a county court other than the Belfast Recorder's Court, be treated as having been committed to the Belfast Recorder's Court.

(6) The expiry or cesser of any provision mentioned in subsection (4) above shall not affect the application of that provision to any trial on indictment where the indictment has been presented, or any summary trial which has started, before the expiry or cesser; and it is hereby declared that the expiry or cesser of section 4(2) above shall not affect any committal of a person for trial under that subsection to the Belfast City Commission, or the Belfast Recorder's Court, where the indictment has not been presented.

1889 c. 63. (7) On the expiry or cesser of any provision of this Act section 38(2) of the Interpretation Act 1889 (effect of repeals) shall apply as if the provision had been repealed by another Act and, in the case of section 24 above, any regulations made thereunder had been enactments.

Short title,
repeals,
savings and
extent.

1922 c. 5
(N.I.).

31.—(1) This Act may be cited as the Northern Ireland (Emergency Provisions) Act 1973.

(2) The Civil Authorities (Special Powers) Act (Northern Ireland) 1922 and the Criminal Justice (Temporary Provisions) Acts (Northern Ireland) 1970 shall cease to have effect.

(3) The enactments specified in Schedule 5 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in column 3 of that Schedule.

(4) Section 38 of the Interpretation Act 1889 (effect of repeals) shall apply to the repeal by this Act of any Act or enactment of the Parliament of Northern Ireland and to the cesser of any order or regulations made under any enactment repealed by this Act as it applies to the repeal of any Act or enactment of the Parliament of the United Kingdom. PART IV
1889 c. 63.

(5) Any instrument made, any direction or authorisation given or any other thing done under any enactment repealed by this Act or any order or regulations made under any such enactment shall, so far as it could have been made, given or done under any provision of this Act have effect as if it had been made, given or done under that provision.

(6) The repeal by this Act of section 1 of the Offences against the Person Act 1861 shall not affect the operation of sections 64, 65, and 68 of that Act which shall continue to apply in relation to murder as if this Act had not been passed. 1861 c. 100.

(7) Neither any rule of law nor any enactment other than this Act nor anything contained in a commission issued for the trial of any person shall be construed as limiting or otherwise affecting the operation of any provision of this Act for the time being in force, but—

(a) subject to the foregoing, any power conferred by this Act shall not derogate from Her Majesty's prerogative or any powers exercisable apart from this Act by virtue of any rule of law or enactment; and

(b) subject to the foregoing and to section 30(6) above, a provision of this Act shall not affect the operation of any rule of law or enactment at a time when the provision is not in force.

(8) This Act shall extend to Northern Ireland only.

SCHEDULES

Section 10.

SCHEDULE 1

DETENTION OF TERRORISTS

PART I

COMMISSIONERS AND APPEAL TRIBUNAL

1. For the purposes of this Act there shall be—

- (a) commissioners appointed by the Secretary of State; and
- (b) a Detention Appeal Tribunal (hereafter in this Schedule referred to as “the Tribunal”) whose members shall be appointed by the Secretary of State.

The Commissioners

2. There shall be such number of commissioners as the Secretary of State may determine.

3. A commissioner shall be a person who holds or has held judicial office in any part of the United Kingdom or is a barrister, advocate or solicitor, in each case of not less than ten years' standing in any part of the United Kingdom.

4.—(1) A commissioner shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for reappointment.

(2) A commissioner may at any time by notice in writing to the Secretary of State resign his office.

(3) The Ministry shall pay to the commissioners such remuneration and allowances as the Secretary of State may determine.

5. The Ministry shall appoint such officers and servants for the commissioners as the Secretary of State may determine.

The Detention Appeal Tribunal

6. The Tribunal shall consist of such number of members as the Secretary of State may determine, and the Secretary of State shall appoint one of them to be chairman and may appoint members to act as deputy chairmen.

7. A member of the Tribunal shall be a person who holds or has held judicial office in any part of the United Kingdom or is a barrister, advocate or solicitor, in each case of not less than ten years' standing in any part of the United Kingdom.

8. A commissioner may be appointed to be a member of the Tribunal, but shall not act as such in the case of an appeal against a decision of his.

9.—(1) A member of the Tribunal shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to hold office, be eligible for reappointment.

(2) A member of the Tribunal may at any time by notice in writing to the Secretary of State resign his office.

SCH. 1

(3) The Ministry shall pay to the members of the Tribunal such remuneration and allowances as the Secretary of State may determine.

10. The Ministry shall appoint such officers and servants for the Tribunal as the Secretary of State may determine.

PART II

INTERIM CUSTODY ORDERS AND DETENTION ORDERS

Interim Custody Orders

11.—(1) Where it appears to the Secretary of State that a person is suspected of having been concerned in the commission or attempted commission of any act of terrorism or in the direction, organisation or training of persons for the purpose of terrorism, the Secretary of State may make an interim custody order for the temporary detention of that person.

(2) An interim custody order of the Secretary of State shall be signed by the Secretary of State or a Minister of State or Under-Secretary of State.

(3) A person shall not be detained under an interim custody order for a period of more than twenty-eight days from the date of the order unless his case is referred by the Chief Constable to a commissioner for determination, and where a case is so referred the person concerned may be detained under the order only until his case is so determined.

(4) A reference to a commissioner shall be by notice in writing, of which a copy shall be sent to the Secretary of State and to the person to whom it relates.

Adjudication by Commissioner

12. Where the case of a person detained under an interim custody order (in this Part of this Schedule referred to as "the respondent") is referred to a commissioner, the commissioner shall enquire into that case for the purpose of deciding whether or not he is satisfied that—

(a) the respondent has been concerned in the commission or attempted commission of any act of terrorism or the direction, organisation or training of persons for the purpose of terrorism; and

(b) his detention is necessary for the protection of the public.

13. Not less than seven days before the hearing of a case for determination under paragraph 12 above, the respondent shall be served with a statement in writing as to the nature of the terrorist activities which are to be the subject of the inquiry.

SCH. 1

14.—(1) Proceedings before a commissioner shall take place in private.

(2) The respondent shall, subject to paragraph 17 below, be present on the hearing of a reference unless the commissioner directs his removal on the grounds of his disorderly conduct.

15. On the hearing of a reference, the respondent shall be entitled to give and adduce evidence and may make representations to the commissioner, whether orally or in writing, and may be represented by counsel or a solicitor.

16. On the hearing of a reference a commissioner may—

- (a) receive oral, documentary or other evidence, notwithstanding that the evidence would be inadmissible in a court of law;
- (b) question any person, including the respondent;
- (c) cause inquiries to be made in relation to any matter.

17. Where, in relation to any part of the proceedings, it appears to the commissioner that it would be contrary to the interests of public security or might endanger the safety of any person for that part of the proceedings to take place in the presence of the respondent, the respondent and his representatives shall be excluded accordingly.

18. Where any part of the proceedings takes place in the absence of the respondent and his representatives in pursuance of paragraph 17 above, the commissioner shall, in so far as the needs of public security and the safety of persons permit, inform the respondent and his representatives of the substance of the matters dealt with during that part of the proceedings.

19. A commissioner may require any person to give evidence on oath or by affirmation, and for that purpose an oath or affirmation in due form may be administered.

20.—(1) A commissioner—

- (a) may by summons in writing require any person to attend as a witness at such time and place as may be specified in the summons; and
- (b) may require any person to answer any question or produce any documents in his custody or under his control which relate to any matter in question on the reference,

but a person shall not be required by a summons to go more than ten miles from his place of residence unless the necessary expenses of his attendance are paid or tendered to him.

(2) A person who, without reasonable excuse, fails to comply with a summons or requirement under sub-paragraph (1) above shall be liable on summary conviction to a fine not exceeding £200 or to imprisonment for a term not exceeding six months, or both.

21. A commissioner may order the payment by the Ministry to any person of such sums as appear to the commissioner to be

reasonable in respect of any costs or expenses incurred by that person in connection with a reference, including the costs of legal representation of a respondent.

SCH. 1

22. A commissioner shall keep or cause to be kept a record of the proceedings before him, of which a copy shall be sent to the Secretary of State if requested by him.

23. Subject to the provisions of this Part of this Schedule, a commissioner may regulate his own procedure.

Detention Orders

24. Where a commissioner decides that he is satisfied in accordance with the provisions of paragraph 12 above, he shall make a detention order for the detention of the respondent, and otherwise shall direct his release.

25.—(1) A detention order shall be signed by the commissioner and shall contain a statement of the grounds on which it is made.

(2) A copy of a detention order shall be sent to the respondent and to the Secretary of State.

PART III

APPEALS

Notice of appeal

26.—(1) Where a detention order has been made in the case of any person, he may within twenty-one days of the making of the order appeal by notice in writing to the Tribunal.

(2) The Tribunal shall cause a copy of the notice of appeal to be sent to the Chief Constable and to the Secretary of State.

27.—(1) A notice of appeal shall indicate the grounds of appeal and, where appropriate, the nature of any fresh evidence which the appellant wishes to tender on the hearing of the appeal.

(2) Where notice of appeal has been given there shall be transmitted to the Tribunal a copy of the detention order and a copy of the record of the proceedings before the commissioner, which shall be in such a form as to indicate any part of the proceedings which took place in the absence of the appellant.

(3) An appellant shall be entitled to receive a copy of the record of the proceedings before the commissioner, excluding any part of the proceedings which under paragraph 17 above took place in the absence of the appellant.

Proceedings on appeal

28. Subject to paragraph 8 above, the Tribunal shall be deemed to be duly constituted if it consists of three members (or a greater

SCH. 1

uneven number of members); and the determination of any question before the Tribunal shall be according to the opinion of the majority of the members hearing the appeal.

29. The hearing of an appeal shall be in private.

30. On the hearing of an appeal—

- (a) the Tribunal shall consider the record of the proceedings before the commissioner together with any fresh evidence which may be tendered with the consent of the Tribunal;
- (b) the appellant may be represented by counsel or a solicitor; and
- (c) the appellant shall, subject to paragraph 17 above (as applied by paragraph 33 below), be entitled to be present unless the Tribunal direct his removal on the grounds of his disorderly conduct.

31. The Tribunal may require the attendance of the appellant if this appears to them to be necessary.

32. On an appeal, the Tribunal shall, if they are of the opinion that the commissioner's decision should be set aside, allow the appeal and direct the discharge of the appellant; and otherwise they shall dismiss the appeal.

33. Paragraphs 16 to 21 above shall, with any necessary modifications, have effect in relation to an appeal as they have effect in relation to proceedings before a commissioner.

34. Subject to the provisions of this Schedule, the Tribunal may regulate their own procedure.

PART IV

SUPPLEMENTAL

Reference for review

35.—(1) The Secretary of State may at any time refer to a commissioner the case of any person who is for the time being detained under a detention order, and shall so refer the case of any person who has been detained for one year since the making of a detention order or for six months from the determination of the most recent review under this paragraph.

(2) On any such reference the commissioner shall review the case and, unless he considers that the person's continued detention is necessary for the protection of the public, shall direct his discharge.

(3) In determining whether a person has been detained for one year or for six months no account shall be taken of any time during which he has been at liberty—

- (a) unlawfully; or
- (b) in consequence of a direction given by the Secretary of State under paragraph 36(2) below.

(4) Paragraphs 14 to 23 above shall have effect in relation to the proceedings of a commissioner under this paragraph.

SCH. 1

Release of persons detained

36.—(1) The Secretary of State may direct the discharge at any time of a person detained under an interim custody order.

(2) The Secretary of State may direct the release, subject to such conditions (if any) as he may specify, of a person detained under a detention order.

(3) The Secretary of State may recall to detention a person released subject to conditions under sub-paragraph (2) above, and a person so recalled may be detained under the original detention order.

Supplementary provisions as to detention

37.—(1) A person required to be detained under an interim custody order or a detention order may be detained in a prison or in some other place approved for the purposes of this paragraph by the Secretary of State.

(2) A person for the time being having custody of a person required to be detained as aforesaid shall have all the powers, authorities, protection and privileges of a constable.

(3) Subject to any directions of the Secretary of State, a person detained as aforesaid shall be treated as nearly as may be as if he were a prisoner detained in a prison on remand and any power of temporary removal for judicial, medical or other purposes shall apply accordingly.

(5) If any person—

(a) who is detained under an interim custody order or detention order, escapes ; or

(b) fails to return to detention when recalled under paragraph 36(3) above.

he may be arrested without warrant by any constable or any member of Her Majesty's Forces on duty.

Offences of escape, rescue, etc.

38. Any person who—

(a) being detained under an interim custody order or a detention order, escapes ;

(b) rescues any person detained as aforesaid, or assists a person so detained in escaping or attempting to escape ; or

(c) knowingly harbours any person required to be detained under an interim custody order or detention order, or gives him any assistance with intent to prevent, hinder or interfere with his being taken into custody,

shall be liable on conviction on indictment to imprisonment for a term not exceeding five years or to a fine, or both.

SCH 1

Interpretation

39. In this Schedule—

“Chief Constable” means the Chief Constable or an assistant chief constable of the Royal Ulster Constabulary ;

“detention order” means an order made by a commissioner for the detention of a person ;

“interim custody order” means an order made by the Secretary of State for the temporary detention of a person.

Section 19.

SCHEDULE 2

PROSCRIBED ORGANISATIONS

The Irish Republican Army.

Cumann na m'Ban.

Fianna na h'Eireann.

Saor Eire.

Sinn Fein.

The Ulster Volunteer Force.

Section 24.

SCHEDULE 3

THE NORTHERN IRELAND (EMERGENCY PROVISIONS)
REGULATIONS 1973*Title*

1. These regulations may be cited as the Northern Ireland (Emergency Provisions) Regulations 1973.

Road traffic

2. The Secretary of State may by order prohibit, restrict or regulate in any area the use of vehicles or any class of vehicles on highways or the use by vehicles or any class of vehicles of roads or classes of roads specified in the order, either generally or in such circumstances as may be so specified.

Railways

3. The Secretary of State, or any officer of the Royal Ulster Constabulary not below the rank of assistant chief constable, may direct any person having the management of a railway to secure that any train specified in the direction or trains of any class so specified shall stop, or shall not stop, at a station or other place so specified.

Funerals

SCH. 3

4. Where it appears to an officer of the Royal Ulster Constabulary not below the rank of chief inspector that a funeral may occasion a breach of the peace or serious public disorder, or cause undue demands to be made on Her Majesty's forces or the police, he may give directions imposing on the persons organising or taking part in the funeral such conditions as appear to him to be necessary for the preservation of public order including (without prejudice to the generality of the foregoing) conditions—

- (a) prescribing the route to be taken by the funeral ;
- (b) prohibiting the funeral from entering any place specified in the directions ;
- (c) requiring persons taking part in the funeral to travel in vehicles.

Closing of licensed premises, clubs, etc.

5. The Secretary of State may by order require that premises licensed under the Licensing Act (Northern Ireland) 1971, premises registered under the Registration of Clubs Act (Northern Ireland) 1967 or any place of entertainment or public resort shall be closed and remain closed, either for an indefinite period or for a period, or until an event, specified in the order or shall be closed at a particular time either on all days or on any day so specified.

SCHEDULE 4

Section 27.

THE SCHEDULED OFFENCES

PART I

SUBSTANTIVE OFFENCES

Common law offences

- 1. Murder, subject to note 1 below.
- 2. Manslaughter, subject to note 1 below.
- 3. The common law offence of arson.
- 4. The common law offence of riot.

Malicious Damage Act 1861

1861 c. 97.

5. Offences under the following provisions of the Malicious Damage Act 1861—

- (a) section 1 (setting fire to church, etc.) ;
- (b) section 2 (setting fire to a dwelling house while a person is inside) ;
- (c) section 3 (setting fire to house, outhouse or business or farming premises with intent to injure or defraud any person) ;
- (d) section 4 (setting fire to railway station, etc.) ;
- (e) section 5 (setting fire to any public building) ;

- SCH. 4
- (f) section 6 (setting fire to other buildings) ;
 - (g) section 7 (setting fire to things in or near a building);
 - (h) section 9 (destroying or damaging building while a person is inside or so as to endanger life) ;
 - (i) section 10 (placing explosive in or near a building with intent to destroy or damage property) ;
 - (j) section 11 (riotous demolition of building) ;
 - (k) section 12 (riotously injuring building, machinery, etc.) ;
 - (l) section 16 (setting fire to crops, tree plantations, etc.) ;
 - (m) section 17 (setting fire to haystacks, etc.) ;
 - (n) section 45 (placing explosive in or near ship with intent to damage it or other property).

1861 c. 100.

Offences against the Person Act 1861

6. Offences under the following provisions of the Offences against the Person Act 1861, subject as mentioned below,—

- (a) section 18 (wounding with intent to cause grievous bodily harm) subject to note 2 below ;
- (b) section 20 (causing grievous bodily harm) subject to note 2 below ;
- (c) section 28 (causing grievous bodily harm by explosives) ;
- (d) section 29 (causing explosion or sending explosive substance or throwing corrosive liquid with intent to cause grievous bodily harm) ;
- (e) section 30 (placing explosive near building or ship with intent to do bodily injury) ;
- (f) section 47 (assault occasioning actual bodily harm) subject to note 2 below.

1883 c. 3.

Explosive Substances Act 1883

7. Offences under the following provisions of the Explosive Substances Act 1883—

- (a) section 2 (causing explosion likely to endanger life or damage property) ;
- (b) section 3 (attempting to cause any such explosion, and making or possessing explosive with intent to endanger life or damage property) ;
- (c) section 4 (making or possessing explosives in suspicious circumstances).

1968 c. 28 (N.I.).

Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

8. Offences under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (riotous behaviour) subject to note 3 below.

Firearms Act (Northern Ireland) 1969

SCH. 4

9. Offences under the following provisions of the Firearms Act 1969 c. 12 (N.I.) (Northern Ireland) 1969—

- (a) section 1 (possessing, purchasing or acquiring firearms or ammunition without certificate) ;
- (b) section 2 (manufacturing, dealing in, repairing, etc., firearms or ammunition without being registered) ;
- (c) section 3 (shortening barrel of shotgun or converting imitation firearm into firearm) ;
- (d) section 4 (manufacturing, dealing in or possessing machine gun or pistol, or weapon discharging, or ammunition containing, noxious substance) ;
- (e) section 14 (possessing firearm or ammunition with intent to endanger life or cause serious damage to property) ;
- (f) section 15 (use or attempted use of firearm or imitation firearm to prevent arrest of self or another, etc.) ;
- (g) section 16 (carrying firearm or imitation firearm with intent to commit indictable offence or prevent arrest of self or another) ;
- (h) section 17 (carrying firearm, etc., in public place) ;
- (i) section 19 (possession of firearm by person who has been sentenced to imprisonment, etc., and sale of firearm to such a person) ;
- (j) section 19A (possessing firearm or ammunition in suspicious circumstances).

Theft Act (Northern Ireland) 1969

1969 c. 16 (N.I.).

10. Offences under the following provisions of the Theft Act (Northern Ireland) 1969, subject as mentioned below,—

- (a) section 8 (robbery) subject to note 4 below ;
- (b) section 10 (aggravated burglary) subject to note 4 below.

Protection of the Person and Property Act (Northern Ireland) 1969 1969 c. 22 (N.I.)

11. Offences under the following provisions of the Protection of the Person and Property Act (Northern Ireland) 1969—

- (a) section 1 (intimidation) ;
- (b) section 2 (making or possessing petrol bombs, etc.) ;
- (c) section 3 (throwing or using petrol bombs, etc.).

This Act

12. Offences under the following provisions of this Act—

- (a) section 19 ;
- (b) section 20 ;
- (c) paragraph 38 of Schedule 1.

SCH. 4

NOTES

- 1861 c. 100.
- 1968 c. 28 (N.I.).
1. Neither murder nor manslaughter shall be a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
2. An offence under section 18, 20 or 47 of the Offences against the Person Act 1861 shall not be a scheduled offence in any particular case in which the Attorney General for Northern Ireland certifies that it is not to be treated as a scheduled offence.
3. An offence under section 9 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 shall be a scheduled offence only where the maximum term of imprisonment is eighteen months by virtue of section 22 above.
4. Robbery and aggravated burglary shall be scheduled offences only where it is charged that an explosive, firearm, imitation firearm or offensive weapon was used to commit the offence.

PART II

INCHOATE AND RELATED OFFENCES

- 1967 c. 18 (N.I.).
13. Each of the following offences, that is to say—
- (a) aiding, abetting, counselling, procuring or inciting the commission of an offence specified in Part I of this Schedule (hereafter in this paragraph referred to as a substantive offence);
- (b) attempting or conspiring to commit a substantive offence;
- (c) an offence under section 4 of the Criminal Law Act (Northern Ireland) 1967 of doing any act with intent to impede the arrest or prosecution of a person who has committed a substantive offence;
- shall be treated for the purposes of this Act as if it were the substantive offence.

SCHEDULE 5

REPEALS

Acts

| Chapter | Short title | Extent of repeal |
|----------------------------|--|--|
| 4 Geo. 4. c. 48. | The Judgment of Death Act 1823. | In section 1, the words “ capital murder and ”. |
| 7 Will. 4 & 1 Vict. c. 88. | The Piracy Act 1837. | In section 2, the words “ as in cases of capital murder ”. |
| 24 & 25 Vict. c. 100. | The Offences against the Person Act 1861. | Section 1. |
| 31 & 32 Vict. c. 24. | The Capital Punishment Amendment Act 1868. | In section 2, the words from “ sentenced ” to “ murder ”. |

| Chapter | Short title | Extent of repeal |
|----------------------------------|---|---|
| 50 & 51 Vict. c. 20. | The Criminal Law and Procedure (Ireland) Act 1887. | In section 5, the words from "This section" to "associations". Sections 6 and 7. In section 12, in subsection (2), the words "and every special proclamation", in both places where they occur; in subsection (3), the words "special proclamations", in the first two places where they occur, the words "or a special proclamation" and the words "or special proclamation"; and in subsection (4), the words "not being a special proclamation". In section 13, the words "or any special proclamation". In section 17, the words "or special proclamation". In section 18, the words "and dangerous associations". The whole Act. |
| 12 & 13 Geo. 5. c. 5 (N.I.). | The Civil Authorities (Special Powers) Act (Northern Ireland) 1922. | Section 3. |
| 16 & 17 Geo. 5. c. 8 (N.I.). | The Emergency Powers Act (Northern Ireland) 1926. | The whole Act. |
| 23 & 24 Geo. 5. c. 12 (N.I.). | The Civil Authorities (Special Powers) Act (Northern Ireland) 1933. | The whole Act. |
| 4 & 5 Geo. 6. c. 11 (N.I.). | The Ministries Act (Northern Ireland) 1940. | The whole Act. |
| 1943 c. 2 (N.I.). | The Civil Authorities (Special Powers) Act (Northern Ireland) 1943. | The whole Act. |
| 1945 c. 15 (N.I.). | The Criminal Justice Act (Northern Ireland) 1945. | In section 39, the words "capital murder murder". |
| 3 & 4 Eliz. 2. c. 18. | The Army Act 1955. | In section 215(4), the words "and to rules made under that Act", the word "respectively" and the words "and to any rules under that Act as in force in Northern Ireland". |
| 3 & 4 Eliz. 2. c. 19. | The Air Force Act 1955. | In section 213(4), the words "and to rules made under that Act", the word "respectively" and the words "and to any rules under that Act as in force in Northern Ireland". |
| 5 & 6 Eliz. 2. c. 53. | The Naval Discipline Act 1957. | In section 124(2), the words from "to section seven" to "said section seven", the words "and that section" and |

SCH. 5

| Chapter | Short title | Extent of repeal |
|---------------------------------------|---|--|
| 5 & 6 Eliz. 2. c. 53— <i>cont.</i> | The Naval Discipline Act 1957— <i>cont.</i> | the words “and to any rules under that section as so in force”. |
| 1958 c. 9 (N.I.). | The Summary Jurisdic- tion and Criminal Justice Act (Northern Ireland) 1958. | Section 4. |
| 1964 c. 21 (N.I.). | The Magistrates’ Courts Act (Northern Ireland) 1964. | In section 2(2), the words from “or section 3(4)” to “1922”. |
| 1966 c. 20 (N.I.). | The Criminal Justice Act (Northern Ireland) 1966. | In section 41(1), the words from “or under the Civil” to “thereunder”. |
| 1967 c. 18 (N.I.). | The Criminal Law Act (Northern Ireland) 1967. | Sections 9 to 11. |
| 1968 c. 34 (N.I.). | The Children and Young Persons Act (Northern Ireland) 1968. | In section 6, in subsection (4), the words from “Without” to “this section”; subsection (5); and in subsection (7), the words from “and sec- tion” to “(5)”. |
| | | In Schedule 1, paragraph 2; in paragraph 5, the words “capital murder and”; para- graph 10; paragraph 14(a); paragraph 16; paragraph 21; and in paragraph 22(c), the words “capital murder”. |
| | | In section 51(1)(a), the words “named in the order for committal”. |
| | | In section 73(1), the words “under section 9(2) of the Criminal Justice Act (North- ern Ireland) 1966”. |
| | | Section 83(2) to (4). |
| | | Section 85(3)(a). |
| | | In section 86, in subsection (1) the words “or the school to which the child or young person is to be sent” and the word “school”, in the last place where it occurs, and subsection (2). |
| | | In section 132, in subsection (3) the words from “and the Ministry” to the end of the subsection, and subsection (8). |
| | | In Schedule 5, in paragraph 12, in sub-paragraph (1), the words from “or to be” to the end of the sub-paragraph, in sub-paragraph (2) the words “or transferred”, and sub- paragraph (3). |

SCH. 5

| Chapter | Short title | Extent of repeal |
|-----------------------|--|-----------------------|
| 1970 c. 22 (N.I.). | The Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970. | The whole Act. |
| 1970 c. 33 (N.I.). | The Criminal Justice (Temporary Provisions) (Amendment) Act (Northern Ireland) 1970. | The whole Act. |
| 1971 c. 12 (N.I.). | The Public Order (Amendment) Act (Northern Ireland) 1971. | Section 2(3). |
| 1971 c. 25 (N.I.). | The Firearms (Amendment) Act (Northern Ireland) 1971. | Section 3(2) and (3). |

Orders

| Number | Short title | Extent of repeal |
|-------------------------------|--|---|
| S.I. 1972 No. 538 (N.I. 1). | The Prosecution of Offences (Northern Ireland) Order 1972. | In Article 7(1), the words from " or section 3(2) " to the end. |
| S.I. 1972 No. 1632 (N.I. 15). | The Detention of Terrorists (Northern Ireland) Order 1972. | The whole Order. |

PRINTED IN ENGLAND BY C. H. BAYLIS, CB

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
(372471)

HER MAJESTY'S STATIONERY OFFICE

Government Bookshops

49 High Holborn, London WC1V 6HB
13a Castle Street, Edinburgh EH2 3AR
109 St. Mary Street, Cardiff CF1 1JW
Brazennose Street, Manchester M60 8AS
50 Fairfax Street, Bristol BS1 3DE
258 Broad Street, Birmingham B1 2HE
80 Chichester Street, Belfast BT1 4JY

*Government publications are also available
through booksellers*